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Dated: April 12, 2006      Signature: Norman Green  
(Norman Green)

Docket No.: 564462005300 / D1410-2US  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Eileen TOZER et al.

Application No.: 10/624,909

Confirmation No.: 7087

Filed: July 21, 2003

Art Unit: 1637

For: FLUORESCENT PROTEINS, NUCLEIC  
ACIDS ENCODING THEM AND METHODS  
FOR MAKING AND USING THEM

Examiner: ANGELA MARIE  
BERTAGNA

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### **RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT**

Dear Sir:

Responsive to the Election/Restriction Requirement Office Action mailed February 14, 2006 (the OA), Applicants respectfully request entry of the amendment and consideration of the remarks set forth herein. A response to the Office Action was initially due March 14, 2006. Applicants submit herewith a Petition for Extension of Time to extend the time to reply to this Office Action for one months to April 14, 2006. Accordingly, this Response is timely filed.

**Amendments to the Specification** begin on page 3 of this paper.

**Amendment to the Claims** are reflected in the listing of claims which begin on page 6 of this paper.

**Amendments to the Drawings** begin on page 42 of this paper and includes an attached, corrected replacement sheet

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**Remarks** begin on page 43 of this paper.

The following documents are enclosed herewith:

- Transmittal letter;
- Fee Transmittal;
- Petition for 1 Month Extension of Time;
- 1 Sheet of Replacement Drawings; and
- Return Receipt Postcard